THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.8991 of 2006

Dated:27.04.2006

Between:

Pulligilla Mallesha.

..... PETITIONER

AND

Puligilla Nagaiah, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.8991 of 2006

ORDER:

This Writ Petition is filed assailing the order dated 17.12.2005 in Case No.D5/5421/2002 passed by the Joint Collector-II, Ranga Reddy District, the fifth respondent herein, whereby and whereunder the revision petition filed by the petitioner was dismissed as barred by limitation, and further observing that the petitioner can file a suit under Chapter VI of the Specific Relief Act, 1963, in accordance with Section 8(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act').

The fact of the matter is as follows. The petitioner's father, Yellaiah, allegedly purchased the land admeasuring Ac.1.02 guntas in Survey No.304 of Gundlapochampally Village, Medchal Mandal, Ranga Reddy District, under a sale document dated 22.11.1964 from Bussa Sambaiah and Bussa Sarabhaiah. After his death, on 01.08.1986, the petitioner, the first respondent herein and one Bala Mallesha succeeded to the property, who are allegedly in possession of the same. It is alleged that respondent Nos.3 and 4 put up false claim on the basis of unregistered sale document dated 11.07.1986 allegedly executed by respondent No.2 and also obtained necessary mutation in their name. The petitioner then filed an application before the Mandal Revenue Officer for necessary correction of the record of rights. By order dated 31.10.2002, the Mandal Revenue Officer refused to correct the entries on the ground that after lapse of one year there is no jurisdiction to correct the entries. Against the said order, the petitioner also filed an appeal under Section 5(5) of the Act, which is still pending. In the meanwhile, the fifth respondent, before whom the petitioner filed a revision petition, passed the impugned order rejecting the claim of the petitioner.

The learned Counsel for the petitioner submits that in the facts and circumstances of the case, there is no delay on the part of the petitioner in approaching the authorities for correction of entries in the revenue records. Secondly, he submits that when once the revision petition is numbered by the Joint Collector, the same cannot be rejected on the ground of delay and laches.

This Court has perused the material placed on record. The submission made by the learned Counsel for the petitioner is devoid of any merit. It is no doubt true that Section 9 of the Act does not prescribe any period of limitation, but as rightly noticed by the Joint Collector, the absence of time limit does not enable the revisional authority to entertain revisions after long lapse of time, and in such an event if a revision petition is presented within a reasonable time, notwithstanding any delay, such revision petition can be entertained. In this case even according to the petitioner, the entries were changed at the behest of respondent Nos.3 and 4 forty years ago, and therefore, the Joint Collector was justified in rejecting the revision petition and giving liberty to the petitioner to file a suit as per Section 8(2) of the Act.

The Writ Petition is devoid of any merit and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

27.04.2006

vs